

REMARKS

In the Office Action, then pending Claims 1-23 were rejected as follows: Claims 1, 4, 5, 6, 8, 9, 12, 15, 16, 19, 20, 21 and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,757,949 to Kinoshita et al.; and Claims 2, 3, 7, 10, 11, 13, 14, 17, 18 and 22 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Kinoshita et al. in view U.S. Patent No. 6,675,085 to Straub. The Examiner included a notice regarding a misplaced period at the end of Claim 1.

Claim 1 has been amended to attend to the notice of misplaced period, Claim 16 has been amended to include the subject matter formerly presented in Claim 15, which has been cancelled. No new subject matter is presented.

Each of Claims 1, 9 and 15, which are the pending independent claims, was rejected as being anticipated by Kinoshita et al. An anticipation rejection requires that the cited reference disclose each and every recitation of the rejected claim(s).

Kinoshita et al. discloses a vehicle warning system that estimates a possibility of off-course travel utilizing image recognition systems that provide three-dimensional image data of a curve while traveling through the curve. In Kinoshita et al., when “a sharp curve is detected, the off-course travel estimating means decides whether or not a danger avoiding operation has been carried out on the basis of a signal provided by an accelerator sensor, a brake signal ... and a deceleration signal.” (Col. 2, line 56-60 of Kinoshita et al.) Based on such determination, as well as a determination of whether “the relative sharpness of the curve is critical,” an estimate is made of possible off-course travel and a warning is given if “the driver’s danger avoiding operation is not satisfactory.” (Col. 3, lines 2 and 6-7, respectively, of Kinoshita et al.)

Kinoshita et al. does not disclose a path leading data including warning data received from a system, and outputting a warning when the warning data has been included in the received guidance information data and when the actual travel environment information satisfies the warning generation conditions corresponding to the included warning data. Claim 1 of the pending invention includes a restricted warning generating unit for receiving Route Guidance Information (RGI) data from a data analyzing unit if the RGI data includes the warning data.

Unlike the invention of the pending claims, the warning of Kinoshita et al. is provided regardless of whether RGI data is included with the warning data. At page 2 of the Office Action, Col. 5-6, lines 38-47, and Col. 7, lines 8-34, of Kinoshita et al. was cited in regard to the recitation of Claim 1 of a restricted warning generating unit for receiving the RGI data from the data analyzing unit if the RGI data includes the warning data.

The portion of Kinoshita et al. that the Examiner cited describes both the first embodiment of Kinoshita et al. as well as the second embodiment of Kinoshita et al. (Col. 6, lines 2-6 of Kinoshita et al.). In regard to the first embodiment cited by the Examiner, the cited Col. 5, lines 38-67, describe Figure 4 of Kinoshita et al. Output of the warning at S9 of Fig. 4 of Kinoshita et al. is based on whether the accelerator is release or brakes are applied (see S8 in Fig. 4 of Kinoshita et al.), not on whether RGI data includes the warning data, as in Claim 1. The second embodiment of Kinoshita et al. cited by the Examiner is similarly defective. (See S7 of Fig. 7 of Kinoshita et al., which provides an output depending upon relative sharpness of a curve.)

Accordingly, neither in the cited portion nor elsewhere does Kinoshita et al. disclose the recitation of a restricted warning generating unit for receiving the route guidance information

data from the data analyzing unit if the route guidance information data includes the warning data, of Claim 1.

Claim 9 was rejected “for the same rationales set forth as above” (Office Action, bottom of page 3). Like Claim 1, Claim 9 recites determining whether warning data has been included in the received route guidance information data. As explained above, Kinoshita et al. fails to disclose such recitation and accordingly fails to anticipate Claim 9.

The other pending independent claim is Claim 15, which has been cancelled and presented with Claim 16, which formerly depended from Claim 15. Claim 16 includes a recitation of a restricted warning generating unit for receiving the route guidance information data from the data analyzing unit if it is determined to include the warning data, which is not disclosed or suggested by the cited references, as explained above in regard to Claim 1.

Finally, as the Examiner suggested at ¶ 1 of the Office Action, Claim 1 has been amended to correct the placement of the period therein.

Accordingly, independent Claims 1, 9 and 16 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-8, 10-14 and 17-23, these claims are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of the dependent claims is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-14 and 16-23, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, it is requested that the Examiner contact Applicant’s attorney at the number given below.

PATENT APPLICATION
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the printed name.

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